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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,790

Applicant(s)

JERDING ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-116 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 71-116 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 108 and 110 are objected to because of the following informalities:

In claim 108, line 2, it appears the phrase "the media quality" should be changed to "a media quality" since "media quality" is not recited in claim 105. Appropriate correction is required.

In claim 110, line 1, it appears the phrase "the media quality" should be changed, since the claimed "media quality" is not recited in claim 105. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 71-72, 75-80, 82-89, 91-92, 99 and 116 are rejected under 35 U.S.C. 102(e) as being anticipated by **Legall (6,005,565)**.

As to claims 71 and 75, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT'

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(System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term, where the search term is different than the start time in the user-selected time period (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria; note further that when a user inputs a search term such as, e.g. 5:45PM, S-100 outputs an EPG from 6:00 PM to 7:30 PM, a time which is different from the user selected time.

As to claim 72, Legall further discloses where the portion of the EPG output by TV 120 identifies the first and second types of service for the first and second program, such as TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football (fig. 3B).

As to claim 76-79, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term, where the search term is different than the start time in the user-selected time period (col. 2, line 60-col. 3, line 1+); note that S-100 enables a user to input anytime search term criteria such as: 351

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start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria; note further that when a user inputs a search term such as, e.g. 5:45PM, S-100 outputs an EPG from 6:00 PM to 7:30 PM, a time which is different from the user selected time.

As to claim 80, Legall further discloses where the EPG output to TV-120 includes information about a media program available to the user as purchasable event (col. 3, lines 39-43)

As to claims 82-83, Legall further discloses, where EPG is selected by the user from the portion of the EPG output to the TV-120 of S-100 (col. 2, lines 58-59 and col. 4, lines 49-65) and is selected from broadcast television (col. 2, lines 17-23).

As to claim 84-85, Legall further disclose where the EPG output to TV-120 includes a program title NFL Football, Jumanji, etc., and identifies the source, TBS, HBO, etc., for the program (figs. 2, 3B, window 220).

As to claim 86, Legall further discloses where the user input is a remote control device 115 (col. 2, lines 26-28).

As to claim 87, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via

satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of types of television services, TBS, HBO, CTN, etc., the EPG comprising a plurality of media programs corresponding to each type of service in the plurality of types of television services and stores the EPG in Memory (MM);

S-100 outputs Window 375 "a first presentation comprising an option(s) 351 and 352 to select a time period from a plurality of time periods (fig. 3 and col. 2, line 60-col. 3, line 1+); and receives user input to search the EPG stored in MM or external database over Internet for EPG with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG "a second presentation" comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+); note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

S-100 further provides the user a search option, based on topics, category, subcategory, source, etc., to search the media information stored in the first memory for media programs based on the user selected time period (fig. 3B and col. 2, line 60-col. 3, line 1+).

As to claim 88-89, Legall further discloses where the plurality of television services is available as a purchasable event and a second type of service is available without additional purchase and a subscription service (col. 3, lines 39-43 and col. 4, lines 5-11).

As to claim 91, Legall further discloses where the search option is provided in the second presentation output to TV-120 of S-100 (col. 2, lines 38-59 and col. col. 4, lines 49-65).

As to claim 92, Legall further discloses where responsive to providing a search option to the user, receiving by the S-100 a second user input corresponding to a search term, and where responsive to receiving the second user input, outputting to the TV-120 a third presentation including a portion of the media information corresponding to at least one program in the user-selected time period and to the search term (col. 2, line 38-col. 3, line 1+ and col. col. 4, line 49-col. 5, line 21)

As to claim 99, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

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S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc., "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria and identifies the respective type of television service providing the media program (figs 2, 3B, Window 220, TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc.,).

As to claim 104, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claim 116, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "memory for storing data" is met by Memory (MM) of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives at Receiver 105 of S-100, via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) and stores data and EPG "media information in MM;

the claimed "a processor configured to search the media information..." is met by Processor or CPU of S-100 (fig. 1 and col. 2, lines 7-25 and line 60-col. 3, line 1+) which is configured to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term and filter out attributes of the EPG (figs. 3A, 3B and col. 2, lines 23-37), outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 73, 81 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** as applied to claim 71, 76, 87 above and in view of **Young (5,727,060)**.

As to claims 73, Legall fails to explicitly teach where S-100 further identifies at least one media program as a recorded media program residing in the S-100.

However, note the Young reference figures 4, 13 and 22 discloses a television schedule system and a TV/VCR unit that identifies recorded programs stored in the TV/VCR unit (col. 10, line 48-col. 11, line 18).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Young into the system of Legall to provide a EPG which indicates to the user status of the programs, i.e., recorded and unrecorded, to enable the user to recorded unrecorded programs as desired.

Claim 81 is met as previously discussed with respect to claim 73.

As to claim 90, Legall teaches discloses where the plurality of television services is available as a purchasable event and a second type of service is available without additional purchase and a subscription service (col. 3, lines 39-43 and col. 4, lines 5-11), but fails to explicitly teach where the television services is available as recorded programs residing at the media location of S-100.

However, Young further teaches providing a television services from recorded programs of VCR ((col. 10, line 48-col. 11, line 18).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Young into the system of Legall to provide

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user TV services from pre-recorded programs to enable the user to watch pre-recorded programs at anytime as desired.

6. Claims 93-98 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Koshimuta (6,515,710)**.

As to claims 93-96, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351

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start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria.

Legall fail to explicitly teach identification of respective media quality of at least one media program.

However, note the **Koshimuta** reference figures 1-5, disclose a television receiver that determines the video signal format based on data characterizing of the video signal being received and further determines if it's a HDTV, SDTV, NTSC, etc., video signals (col. 1, lines 9-19, col. 2, line 43-col. 3, line 24, col. 4, line 44-col. 5, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Koshimuta into the system of Legall to identify the media quality of each media program to enable the user to beware of type of signal being received to enable the user to choose a signal type (HDTV, SDTV, NTSC, etc.) that meets their receivers and to enable the receivers to reproduced the precise colors that meets manufactures specification or the receiver's capabilities.

As to claim 97-98, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claim 103, Legall teaches all the claimed limitation as previously discussed with respect to claim 99, but fails to explicitly teach identifying the respective media

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quality of the media program, which as being previously discussed with respect to claim 93.

7. Claims 105-107 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Knudson et al (6,442,332)**.

As to claims 105-107, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives satellite transmission of broadcast and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351

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start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

Legall, teaches option 343 EPG Cost, but fails to explicitly teach outputting to the TV media information, which includes entitlement information corresponding to at least one media program.

However, note the **Knudson** reference figures 1, disclose program guide system for recording, which includes entitlement information corresponding to each program, identifies the recording entitlement for the program and identifies impermissible recording of the program (figs. 8-10 and col. 9, line 37-col. 10, line 37).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knudson into the system of Legall to provide entitlement information with each program to enable the user, identify entitlement programs and be to beware of the recording state or condition of the program and take the appropriate action with respect to each program.

As to claim 109, Legall further discloses automatically identifying expiration of stored EPG and programs and updating accordingly, but fails to explicitly teaches where entitlement information identifies, which as being previously discussed with respect to claim 105.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knudson into the system of Legall to

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provide updates of entitlement information and provide the user with current states of the user entitlement.

8. Claims 100-101 and 111-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Reynolds et al (6,563,515)**.

As to claims 100-101, Legall teaches all the claim limitation as previously discussed with respect to claim 99, including identifying of the respective type of television service providing the media program, but fails to explicitly teach VOD service.

However, **Reynolds** teaches displaying various types of EPG including VOD EPG and PPV services (figs. 8, 9 and col. 11, line 56-col. 12, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Reynolds into the system of Legall to provide VOD EPG in additional to the regular EPG and identify various type of services to enable the user to select the desired type of service.

As to claims 111-112 and 114-115, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite or Internet broadcast, electronic program guide (EPG) "second data set"

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corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

Processor or CPU of S-100 creates Window 375 "a third data set" from a portion of the EPG and stores Window 375 (fig. 3B) and provides the user a search option to search the Window 375, by providing search term criteria for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM that satisfies the at least one search criteria; see portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime or a plurality of time periods, search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search criteria.

Legall, teaches HBO, TBS, etc., but fails to explicitly a first data corresponding to media programs of video-on-demand service.

However, note the Reynolds reference figures 8-9 disclose program guide system with video window browsing and further discloses VOD EPG (col. 11, line 56-col. 12, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Reynolds into the system of Legall to

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provide VOD EPG in additional to the regular EPG and provide more services to the user to generate income.

Claim 113 is met as previously discussed with respect to claim 83.

9. Claims 74 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** as applied to claim 71 and 99 above, and in view of **Young (5,727,060)** and further in view of **Reynolds et al (6,563,515)**

As to claim 74, Legall fails to explicitly teach where S-100 further identifies at least one media program as a recorded media program residing in the S-100 and a second program as program provided by video-on-demand (VOD) service.

However, note the Young reference figures 4, 13 and 22 discloses a television schedule system and a TV/VCR unit that identifies recorded programs stored in the TV/VCR unit (col. 10, line 48-col. 11, line 18).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Young into the system of Legall to provide a EPG which indicates to the user status of the programs, i.e., recorded and unrecorded, to enable the user to recorded unrecorded programs as desired.

Legall as modified by Young, fail to explicitly teach VOD EPG services.

However, Reynolds identifies various EPG services, including VOD EPG (col. 11, line 56-col. 12, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Reynolds into the system Legall as

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modified by Young to identify recorded programs, including VOD programs for the same stated advantage.

Claim 102 is met as previously discussed with respect to claim 74.

10. Claims 108 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Knudson et al (6,442,332)** as applied to claim 105 above, and further in view of **Sahai et al (6,594,669)**.

As to claim 108 and 110, Legall as modified by Knudson fail to explicitly teach where identifying media quality and where the media quality is a bit-rate.

However, **Sahai** teaches identifying media quality by frame rate of display, bit-rate, size, play back, etc. (col. 3, lines 50-60 and col.4, lines 9-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sahai into the system Legall as modified by Knudson to identify media quality by bit-rate and adjust device to the appropriate bit-rate for encoding and decoding of data or the programs.

Response to Arguments

11. Applicant's arguments with respect to claims 71-116 have been considered but are moot in view of the new ground(s) of rejection. The cancellation of all the claims and the newly presented claims necessitated the new ground(s) of rejection. This office action is made FINAL.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boyer et al (6,268,849) disclose Internet television program guide system with embedded real-time data.

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelly** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.



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